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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/765,535	01/18/2001	Daniel S. Kwoh	41592/WWM/K296	1407

23363 7590 01/17/2007  
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EXAMINER
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PORTER, RACHEL L

ART UNIT	PAPER NUMBER
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3626

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/17/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

09/765,535

Applicant(s)

KWOH, DANIEL S.

Examiner

Rachel L. Porter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 17-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 17-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This communication is in response to the amendment filed 10/10/06. Claims 1-15 and 17-29 are presented for examination. Claim 16 has been canceled.

#### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/10/06 has been entered.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:  

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 1-11, 26 and 29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Claim 1 recites the limitation "the at least one criteria " in line 17. There is insufficient antecedent basis for this limitation in the claim. It is unclear which " at least one criteria" this phrase is referencing (i.e. whether this refers to the alternative criteria or information input by the user earlier in the method).

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Claims 2-11, 26 and 29 inherit the deficiencies of claim 1 through dependency and are also rejected.

Furthermore, claim 10 recites "contacting travel product providers of the purchased products, making reservations for the travel products to be purchased and making payment to the travel service providers for the travel products to be purchased." It is unclear which "purchased products" the claim is referencing in the phrase "travel product providers of **the purchased products.**" The final step of claim 10 seems to be the purchase step, so it is unclear to the Examiner if the Applicant is referring to another set of purchased products or if this is a typographical error.

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-9, 12-17, and 18-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Jones et al (US 2002/0156661).

As to claim 1, Jones discloses an electronic method for calculating travel costs for a user (see abstract) comprising:

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- prompting a user to enter information for each of a plurality of types of travel products ; (par. 30-31, 34, 39)
- receiving information for the plurality of travel products is received from the user; (par. 30-31, 33)
- determining a cost of each of a plurality of types of travel products by searching through an electronic database using the received information; (Fig. 7, Fig. 8a, par. 34,49, 53)
- determining the cost, reporting the cost of each of a plurality of types of travel products to the user; (par. 34,49,53; Figure 8A)
- prompting step the user to request alternative travel product information; (par. 57—allows constraints to be changed)
- receiving a user request to receive alternative travel product information ( par. 57)
- determining alternative travel products to offer the user by accessing an electronic discount database based on at least one alternative criteria, wherein the alternative criteria is determined by automatically altering the information for at least of the plurality of types of travel products received from the user; and (par. 49,57-58, Figs. 8A-8D—The rates/costs are discounted or cheaper when the constraints are relaxed and more flexible)
- reporting the determined alternative travel products to the user. (Fig. 8D)

As to claim 2, Jones discloses an electronic method for calculating travel costs wherein the reporting step the cost and the alternative travel reporting steps comprise

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displaying a range of prices for each travel product based upon availability of products from different product providers and displaying a total price range for all of the requested travel products. (Figure 3B, 5B, 8D-shows price alternatives, par. 58)

As to claims 3-5, Jones discloses an electronic method for calculating travel costs of wherein receiving information further comprises receiving an airline departure date, a departure location, and a destination location (Figure 2B, 3A); receiving a hotel location and number of nights (Figure 2B, 4A, par. 47); and receiving a car rental location and days rented. (Figure 5A-C, par. 48, 51)

As to claim 6, Jones teaches a method wherein the number of nights to reside at the hotel location and the number of days a car will be rented are based upon airline departure and return dates. (Figure 2B, 3A, par. 39,48)

As to claim 7, Jones discloses a method determining cost further comprises determining hotel location and rental car location using the destination location. (Figure 2B; par. 47-49)

As per claim 8, Jones discloses a method wherein the at least one alternative includes return date, and departure date to conform to the requirements of the discount database. (Figures 8B-8C)

As per claim 9, Jones discloses a method further comprising prompting the user to purchase the travel products. (Figures 5B, 4B)

As per claims 12-13, the limitations of claims 12-13 are addressed in the rejections of claims 1 and 3-5, and incorporated herein.

As to claim 14, Jones teaches system for determining travel product prices for users comprising:

- an information server coupled to a computer network coupled to a user terminal coupled to the computer network; (par. 33-35)
- a first database coupled to the computer network for storing airplane flight information; (par. 34,36)
- a second database coupled to the computer network for storing hotel information; ( par. 34,36 )
- a third database coupled to the computer network for storing rental car information; ( par. 34,36)
- wherein the information server is configured to receive a request for information on a plurality of types of travel products from the user terminal where the request includes selection criteria for the travel criteria; and (par. 30, 39)
- wherein the information server is configured to aggregate hotel information, car rental information, and airplane flight information from various databases is aggregated and transmitted to a user terminal in a single report.. (par. 39-40)
- wherein the information server is configured to calculate variations of the information on the plurality of travel products using the selection criteria or a variation of the criteria and provide alternate travel products based on the calculations in a single report. (Figure 7-8A-D; par. 57-58)

As to claim 15, Jones discloses a method in which the reservation information stored by the system may include hotel, airline, and car rental information and the system includes a plurality of databases. (par. 34) Furthermore, the server may be requested to retrieve and transmit discounted rates for each of these types of travel products to the user. (Fig. 8B-8D, par. 58-59)

As per claim 17-20, the limitations of the present claim are addressed by the rejections of claims 1-2.

As per claim 21, Jones teaches an electronic method comprising:

- providing a user interface to a user over a communications network; (par. 33, 35)
- causing the user interface to prompt the user to enter information for a plurality of travel products into the user interface; (par. 30-31, 34, 39)
- receiving the information over the communications network; (par. 30-31, 33)
- searching a first database on a server to determine the cost of the plurality of travel products; and (Fig. 7, Fig. 8a, par. 34, 49, 53)
- generating a report to be displayed through the user interface, the report comprising the cost of each travel product to be displayed concurrently; (Figures 3B, 4B, 5B);
- causing the user interface to prompt the user to request alternate travel product information; (par. 57—allows constraints to be changed)
- generating alternative travel product criteria automatically based on information from the user



- accessing a second database to determine alternative travel products to offer the user; and par. 49,57-58, Figs. 8A-8D—The rates/costs are discounted or cheaper when the constraints are relaxed and more flexible)
- generating a report to be displayed through the user interface, the report comprising the cost of each alternative travel product to be displayed concurrently (Fig. 8D)

As per claim 22, Jones teaches a method wherein a processor in the server executes the searching of the first database. (par. 33-37)

As per claim 23, Jones teaches a method further comprising: transmitting reports over the communication network to a user device. (35,39)

As per claim 24, Jones teaches a method wherein the communications network is the Internet. (par. 33)

As per claim 25, Jones teaches a method, wherein the first and second databases are each a part of a larger database. (par. 34)

As per claim 26, Jones teaches a method wherein travel alternatives are automatically generated by altering travel information (such as travel dates, accommodations, or type of rental) received from the user. (Figures 3A, 4A, 5A; 8B-8C).

As per claim 27, Jones discloses a system for determining travel product prices of claim 14, wherein calculating variations of the information on the plurality of types of travel products include variations of dates of travel, type of accommodation, or type of accommodation. (Fig. 4B,5B, and 8B-C)

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As per claim 28, Jones teaches the method of claim 21 wherein travel alternatives are automatically generated by altering travel information (such as travel dates, accommodations, or type of rental) received from the user. (Figures 3A, 4A, 5A; 8B-8C).

As per claim 29, Jones discloses a method wherein the plurality of travel product includes at least hotel, airline and car rental products. (par. 47-49)

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jones in view of Iyengar (USPN 6,360,205)

As to claim 10, Jones discloses an electronic method for calculating travel costs of claim 9 further comprising:

- prompting the user to enter personal information (par. 30);
- receiving step personal information from the user (par. 30-31,35);
- contacting travel product providers of the products, making reservations for the travel products to be purchased and making payment to the travel service providers for the travel products to be purchased (Fig. 4a-b: buy now, Figure. 5c, make reservation)

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Jones does not expressly disclose inputting payment and receiving payment information. Iyengar discloses a method further comprising prompting the user to input payment information to the travel service providers. (col. 8, lines 9-24). One would have been motivated to include this feature to facilitate the completion of the transaction(s).

10. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jones in view of DeLorme et al., Pat. No. 5,948,040 (hereinafter DeLorme).

As to claim 11, Jones teaches the method of claim 1 as explained in the rejection of claim 1, but does not explicitly disclose a method further comprising prompting a user to input cruise information. However, DeLorme discloses wherein the information request step further comprises prompting a user to input a cruise departure date. (see Fig. 6 and col. 52, lines 23-42). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify the method of Jones with the teaching of DeLorme to include prompting a user to select at least one of the group consisting of a cruise departure date, a cruise departure location, a cruise destination location, a cruise return date, a cruise provider, a cruise ship, a cruise name, and a cruise passenger class. As suggested by DeLorme one would have been motivated to include this feature to provide a system with complete integration of travel/activity required by a user (col. 6, lines 47-54).

***Response to Arguments***

11. Applicant's arguments with respect to claims 1-15 and 17-29 have been considered but are moot in view of the new ground(s) of rejection.

Applicant appears to argue the newly added claim limitations. New grounds of rejection and additional citations and explanations from the prior art have been provided in the prior art rejection of the current Office Action for applicant's consideration to address the newly added limitations.

***Conclusion***

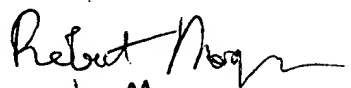
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rachel L. Porter whose telephone number is (571) 272-6775. The examiner can normally be reached on M-F, 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571) 272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RP  
RP

  
Robert Morgan  
Patent Examiner  
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